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*With the respectful Compliments of Mr. Bowdler (one of the
appellant Justices.)*

LETTER

TO

THE HOME SECRETARY

WITH REFERENCE TO

THE LATE JUDICIAL DECISIONS AS TO
OFF BEER LICENSES;

AND MAKING

SOME SUGGESTIONS IN THE EVENT OF ANY
EARLY LEGISLATION ON THE LICENSING
QUESTION.



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LETTER TO THE HOME SECRETARY.

KIRKHAM, NEAR PRESTON,
CHRISTMAS DAY, 1882.

*The Rt. Honble. Sir W. V. Harcourt, M.P.,
Home Secretary, London.*

SIR,

I trust your attention has been already directed to the recent legal proceedings arising out of the Darwen Borough Justices refusing to renew a number of Off Beer Licenses at their last Brewster Sessions.

Previous to their doing this the houses were inspected and proper notices given, the Justices basing their refusals upon the discretion given to them by the recent Act of Parliament on the subject.

Against their decision appeal was made to Quarter Sessions at Preston. Mr. Higgin, Q.C., our Chairman, with five other Justices, of whom I was one, heard the appeal and dismissed it, a case being granted for the Court of Queen's Bench.

There, Justices Field and Stephen, in emphatic language, confirmed the decision of both Justices and Quarter Sessions. A further appeal to the Lords Justices was made, but is now abandoned.

The Queen's Bench, in the course of the hearing of this appeal, appears to have intimated that *all* licenses for the sale of intoxicating drinks are held from year to year, at the discretion of the Licensing Justices, whose right and duty it is to review every year the wants and requirements of their district, thus confirming a previous decision, in 1878, of Lord Chief Justice Cockburn. Mr. Higgin, at Quarter Sessions, when this appeal was before us there, had already referred to the local option already existing in the hands of licensing Justices. If all this be so, it appears to me that the usually-accepted notions as to vested interests in licenses are swept away, and the ground is thus cleared for further and early legislation. I do earnestly hope, Sir, that we shall have this.

It is impossible to exaggerate the need there is for it. This question is head and shoulders above every other question of Home Policy. As the late Mr. Cobden said, "it is at the foundation of all social and political reform." In every interest it is urgently called for. I am appalled at the ruin—spiritual, moral, material, and national—that the drunkenness of this country is effecting. Believing as I do, Sir, that you are fully alive to the truth of this, and already possess an overwhelming mass of evidence to prove the pressing need that exists for early legislation, it is quite unnecessary for me to write another word respecting it, beyond adding, that one of the most painful aspects of this question, to my mind, is the sorrow and suffering entailed upon tens of thousands of little children, especially in our large cities and towns. The varied and urgent appeals to the charitable at this season on their behalf are truly dreadful to read; whilst the vastly increased and increasing number of drunken women, wives and mothers, is becoming a positively national danger.

In common with many other Justices, I am painfully impressed by this fact,—that female drunkenness, largely fomented by the evil legislation of Grocers' Licenses and the multiplication of Tap-rooms, is fast extending, whilst drunkenness amongst men seems really to be decreasing.

I have felt impelled on this day, so full of sacred and joyful memories to the whole Christian world, to urge upon you, Sir, to make this question largely your own. No greater one can possibly occupy the consideration of a statesman, or win for him the gratitude of the poor, the tempted, and the perishing throughout the land. The Government of which you are a prominent member is strong,—public opinion and the public conscience are aroused now as they never were before to the evils surrounding us on every hand,—men of all parties desire some legislation,—the Christian Churches are expressing themselves unmistakably. Liverpool, at the recent Election there, had this question prominently before the Electors, exhibiting a marked and most encouraging growth of public opinion.

It is, I admit, a difficult one for a Government to deal with,—they only know *how* difficult; but honest and thorough dealing with it would make many other important social questions easier of solution. Perhaps it is impossible at present to simplify the Licensing Acts. As they stand, they are a muddle, and a constant source of trouble to unravel and judicially to act upon. Could not, however, the recent Act be so amended as to include *all* Licenses, and the jurisdiction of the Justices be emphasised, in the spirit of the remarks made by the Court of Queen's Bench, to which I have already drawn your attention?

But, at all events, a measure of popular control might be, and ought to be, given. If some legislation were devised by which public opinion could be ascertained and registered, so that the Licensing Justices might be *enabled and required* to give effect to

the wishes of the community so expressed, in their respective districts, such legislation would, I think, be hailed with satisfaction both by the Justices, the public, and the great body of Temperance reformers. This would be tentative, and, I think, preferable to handing over the jurisdiction either to elected County Boards or elected authorities of any kind, *and easier to pass into Law*. The machinery already made is not disturbed, is according to old usage; and, because the Justices are not from time to time subject to a popular vote, they are, as a body, less liable to have undesirable influences brought to bear upon them. I can only say that, with regard to the Licensing Justices for the district in which I act, an anxious and independent consideration is given to the licenses; and this, I have no doubt, to a very large and to a very growing extent, applies elsewhere.

I see various obstacles and dangers, together with a prospect of sinister and interested influences, brought to bear upon large and unreliable masses of voting power, at all events for a time, until people are more enlightened upon the subject, if you take the vote *both upon the principle and the men to be selected to carry out that principle*; but the men being already made, in the persons of the Justices, and the vote taken only on the principle, would be, I really believe, the simplest, most practical, and most effective mode of establishing popular control; besides which, the very fact of there being a strong feeling expressed in a district in favour of License restriction, although it might not at the moment be decisive in the vote, would attract general attention, and so lead the Licensing Justices themselves to restrict, in the exercise of their lawful and wise discretion.

No elaborate Act is needed to effect these two most important changes,—Emphasising the powers of the Licensing Magistrates over *all* Licenses, and giving a popular vote upon the Principle only. It is a large question, but should not be made so; or the powerful opponents of all legislation upon such a subject will also

make it a large question. A few short and unmistakably plain clauses seem only to be required.

There are difficulties as to the best and least expensive mode of obtaining the vote, especially in our large cities and towns. The application might, at the outset, be made in limited districts or the large centres be divided into districts by the Local and Corporate authorities. These are details requiring, of course, careful thought and elaboration. I hope, however, Sir, some of the suggestions are worthy of your consideration.

I need hardly say that whatever is attempted in the direction of popular control, to check drunkenness and encourage sobriety, will be heartily welcomed; for I believe, with a distinguished and life-long friend of Temperance Reform, Mr. Bright, that if the drunkenness of this country could be removed, the face of the country would be so changed, and changed for the better, that it would be impossible to know it again.

My earnest desire and hope is that, at an early day, the present Government will make a strong effort in the direction of this happy change, and so render a priceless service to their country.

I have the honour to be,

Sir,

Your obedient Servant,

WM. HY. BOWDLER.

KIRKHAM,

LANCASHIRE.





